

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)
)
 Revision of Part 97 of the Rules Governing)
 the Amateur Radio Services Requiring VECs)
 to Designate a Contact Volunteer Examiner)
 (CVE) at Each Amateur Operator License)
 Examination Session to Certify Examinees')
 Application Forms)

RM- _____

To: The Commission

PETITION FOR RULE MAKING

The Rules Committee of the National Conference of Volunteer Examiner Coordinators (NCVEC), pursuant to Section 1.401 of the Commission's Rules, hereby respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date, effecting changes in Part 97 of the Commission's Rules governing the Amateur Radio Services in accordance with the attached Appendix, so as to require that VECs designate one VE at each amateur operator license examination session who has overall responsibility for proper conduct and necessary supervision of the examination session and who certifies the application form for successful candidates. This designated VE will be referred to as the contact volunteer examiner (CVE).

At present most, if not all, examination sessions are being conducted with one of the VEs exercising overall responsibility to ensure that proper procedures are being followed by the administering VEs. This VE is presently referred to as the Team Leader, Contact VE, or various other unofficial titles. Since this VE is in a position to certify when applicants have qualified for the license class being sought, and that compliance has been effected with both the administering VE requirements of the Commission's Rules and Regulations and the instructions provided by the coordinating VEC and the FCC, every

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reason obtains that the CVE should be permitted to certify the examinees' application forms.

The intent of the NCVEC Rules Committee in submitting this Petition is to further the stated goal of the Commission to provide the best service to the public in the most efficient, uncomplicated, timely, and courteous manner possible. We believe there is convincing evidence that the Volunteer Examiner Coordinators (VECs) and the many volunteer examiners involved in the qualifying examination system desire the initiation of a Rule Making proceeding on this matter. Further, we believe the Commission's Rules regarding exam preparation, volunteer examiner conduct, and exam administration including the requirement that each examination be administered by 3 VEs continues to ensure that necessary internal controls are in place to satisfy the FCC's existing high standards of integrity for the qualifying examination system.

As good cause for this Petition, we state the following:

1. Any operation which is conducted in a professional manner requires reasonable delegation of authority to ensure attainment of the stated entity goals, and to enable proper placement of responsibility/credit for the results attained. Sound business practice dictates application of these principles in the Commission's qualifying examination procedures. Many of the leaders in the VEC system have full or nearly completed successful careers behind them, and the VEC program should take the fullest possible advantage of this vast diversified experience base.

2. A committee of 3 or even more VEs is not the most effective way to ensure that each of the VEs is at the right place at the precise time doing the appropriate thing during an amateur operator license examination session. Instead, this important assurance that the examination is in full compliance with the Commission's Rules and with the instructions provided by the coordinating VEC and the FCC is most effectively accomplished by one lead VE. Experience indicates that, without direction from the VEC, this type of organizational structure emerges effective with the initial development of a

testing team. The administering VEs call such VE the Team Leader, Team Captain, Chief VE, Team Coordinator, or by some other unofficial title.¹

A close observation of the principles inherent in such function, and recognition of the accomplishments of this position over a considerable period of time, coupled with its almost uniform application among the VECs operations today, confirms its soundness and begs for uniform adoption thereof. This Petition asks for official recognition of a function which is, for the most part, already in place by permitting the VECs designated CVE to certify the examinees' application forms.

3. Adoption of this Petition is consistent with procedures that many VECs will develop incident to implementation of the Commission's planned electronic transfer of qualified examination data. That is, a person(s) in the VECs organization will be designated to prepare floppy disks for transfer to the Commission or to effect on-line-transfer of these data. Again, the effective internal controls inherent in the Commission's Rules and in the instructions provided by the coordinating VEC and the FCC, coupled with the Commission's certification requirements for 3 administering VEs as to the grading of each element taken by examinees and the certification of the Certificates of Successful Completion of Examination (CSCE) issued for successful candidates, preclude any compromise in the Commission's administrative controls.

4. And finally, when an examination team disbands following completion of an examination session and the acting CVE discovers that one or more of the administering VEs has failed to sign an examinee's application form, intra and even inter-city travel may be required to correct the failure, if correction is to be accomplished without unacceptable delay. This could be considered the price to be paid for a breakdown in internal controls;

¹ It is important that this position be referred to uniformly; however, it is also important that the most generic term possible be used, avoiding distraction from the ongoing responsibility of the 3 administering VEs.

yet, one must be cognizant that although all of the existing documents underlying the examinee's testing such as the test papers graded and CSCE issued by the 3 administering VEs are in perfect order, the acting CVE cannot correct the mistake without incurring wasteful expense and a possible delay in handling. Adoption of this Petition would eliminate these existing problems.

This Petition by the Rules Committee offers a basic solution for a basic problem; however, our intention is to afford the VECs an opportunity to present their individual needs and observations during the comment period.

Therefore, the foregoing considered, the Rules Committee of the National Conference of Volunteer Examiner Coordinators respectfully requests that the Commission issue a Notice of Proposed Rule Making at an early date requiring VECs to designate a contact volunteer examiner (CVE) at each amateur examination session to certify examinees' application forms in accordance with the provisions outlined in the attached Appendix.

Respectfully submitted,

Rules Committee of the National
Conference of Volunteer Examiner
Coordinators

By: Winford H. Guin
Winford H. Guin, Chairman

July 12, 1993
2138 Sonning Drive
Germantown, Tn 38138-3914
(901) 754-4552

APPENDIX

1. Section 97.509 Administering an examination.

Amend 97.509 (a), (b) and (f) to read as follows:

(a) Each examination for an amateur operator license must be administered at a location and a time specified by the administering VEs. Each administering VE must be present and observe the examinee throughout the entire examination. Each examinee must comply with the instructions given by the administering VEs. The administering VEs must immediately terminate the examination upon failure of the examinee to comply with their instructions.

(b) The VEC must designate one VE at each examination session who has overall responsibility for the proper conduct and necessary supervision of the examination. This individual VE is identified as the contact volunteer examiner (CVE).

(f) When the examinee is credited for all examination elements required for the operator license sought, the CVE must certify on the examinee's application form that the applicant is qualified for the operator license class and confirm compliance with both the administering VE requirements in Part 97 of the Commission's Rules and with the instructions provided by the coordinating VEC and the FCC.

2. Section 97.511 Amateur operator license examination.

Amend 97.511 (e) to read as follows:

(e) Within 10 days of the administration of a successful examination for an amateur operator license, the CVE must submit the application to the coordinating VEC. If telegraphy element credit is claimed under Section 97.505(a)(5), the physician's certification and the patient's release on the license application, Form 610, must be completed.